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5  
 6 **UNITED STATES DISTRICT COURT**  
 7 **DISTRICT OF NEVADA**

8 **-oOo-**

|                             |   |                                     |
|-----------------------------|---|-------------------------------------|
| 9 UNITED STATES OF AMERICA, | ) | 2:08-cr-161-PMP-GWF                 |
|                             | ) |                                     |
| 10 PLAINTIFF,               | ) |                                     |
|                             | ) |                                     |
| 11 vs.                      | ) | <b>GOVERNMENT'S AMENDED MOTION</b>  |
|                             | ) | <b>FOR RESETTING GOVERNMENT'S</b>   |
| 12 CASEY LUCZAK,            | ) | <b>DEADLINE TO RESPOND TO</b>       |
|                             | ) | <b>DEFENDANT'S 28 U.S.C. § 2255</b> |
| 13 <u>DEFENDANT.</u>        | ) | <b>MOTION</b>                       |

14  
 15 COMES NOW, the United States of America by and through its attorneys,  
 16 DANIEL G. BOGDEN, United States Attorney, and ADAM FLAKE, Assistant United States  
 17 Attorney, and respectfully requests this Court enter an order resetting the Government's  
 18 deadline to respond to Defendant's 28 U.S.C. § 2255 motion to 30 days after Defendant's  
 19 former counsel, David Farnham, provides the information requested in the Government's  
 20 motion to waive the attorney-client privilege. The Government's response is currently due on  
 21 April 16, 2012.

22 This order is sought for the following reasons:

23 1. Defendant has filed a 28 U.S.C. § 2255 motion to vacate, set aside or  
 24 correct sentence by a person in federal custody, alleging his counsel, David Farnham  
 25 provided ineffective assistance.

26 . . .

3                   3. The Government has filed a separate motion to waive the attorney-client  
4 privilege between Defendant and former counsel, David Farnham, whom Defendant alleges  
5 gave ineffective assistance. The Government needs the information requested from Farnham  
6 before it can respond to Defendant's 28 U.S.C. § 2255 motion.

7                   4. The proposed order attached to the previous motion incorrectly listed Louis  
8 Palazzo as the attorney who will be providing the affidavit. The amended order lists the  
9 correct attorney, David Farnham.

10                   **WHEREFORE**, based on the foregoing, it is respectfully requested that this  
11 Court reset the Government's deadline for responding to Defendant's 28 U.S.C. § 2255  
12 motion to 30 days after Farnham provides the information requested in the motion to waive  
13 the attorney-client privilege.

14 **DATED** this 28th day of March 2012.

15 Respectfully submitted,

|    |  |
|----|--|
| 16 | DANIEL G. BOGDEN<br>United States Attorney |
|----|--|

18 /s/ Adam M. Flake  
ADAM M. FLAKE  
19 Assistant United States Attorney

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff,

vs.

CASEY LUCZAK,

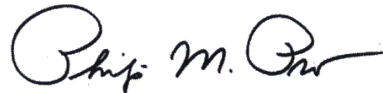
Defendant.

2:08-cr-161-PMP-GWF

**AMENDED ORDER STAYING  
GOVERNMENT'S DEADLINE TO  
RESPOND TO DEFENDANT'S 28 U.S.C.  
§ 2255 MOTION**

Based on the pending application of the Government, and good cause appearing,  
**IT IS THEREFORE ORDERED** that the that the Government's deadline for responding  
to Defendant's 28 U.S.C. § 2255 motion is stayed until 30 days from the date David Farnman  
provides the information requested in the Government's motion to waive the attorney-client  
privilege

**DATED:** this \_\_ 29th day of March, 2012.



UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the United States Attorney's Office, and is a person of such age and discretion as to be competent to serve papers.

That on March 28, 2012, she filed a copy of **GOVERNMENT'S AMENDED MOTION FOR RESETTING GOVERNMENT'S DEADLINE TO RESPOND TO DEFENDANT'S 28 U.S.C. § 2255 MOTION** by electronic mail and by U.S. Mail to the following:

**Casey Luczak**  
42940-048  
HAZELTON  
U.S. PENITENTIARY  
Inmate Mail/Parcels  
P.O. Box 2000  
Bruceton Mills, WV 26525

/s/ Terrie Murray  
TERRIE MURRAY  
Legal Assistant